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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : AVRUTOV ET AL.
Serial No. : 09/779,928
Filing Date : February 8, 2001
For: : METHOD FOR SYSTHESIZING LEFLUNOMIDE
Examiner : R. Gerstl
Art Unit : 1626

Assistant Commissioner for Patents
Washington D.C. 20231

RESPONSE PURSUANT TO 37 C.F.R. §§ 1.111 AND 1.143

This Amendment under 37 C.F.R. §§ 1.111 and 1.143, addresses the Office Action dated June 5, 2002. A request for a three-month extension of time is filed concurrently herewith. The Commissioner is authorized to charge any fees or credit any overpayment in connection with this paper to Deposit Account No. 11-0600.

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REMARKS

Applicants are required to elect one of the following groups of invention:

- I. Claims 1-26 - drawn to processes;
- II. Claims 27-38 - drawn to compounds;
- III. Claim 39 - drawn to anti-arthritis methods;
- IV. Claim 40 - drawn to methods of regulating cell proliferation.

Applicants provisionally elect, with traverse, to prosecute the subject matter of Group II, Claims 27-38. Applicants reserve the right to file a divisional application directed to the non-elected subject matter of Groups I, III, and IV.

As the Examiner is aware, there are two criteria for a restriction requirement: (A) the inventions must be independent or distinct as claimed; **AND** (B) there must be a serious burden on the Examiner. "If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct invention." MPEP §803 (emphasis added).


Applicants respectfully submit that all of the groups should be examined together because they fall into only two subclasses. At a minimum, Applicants submit that at least Groups II, III and IV should be examined together because searching and examining a single subclass would not impose a serious burden on the Examiner. Applicants respectfully submit that the claim of Groups III and IV, which depend from claims of Group II, would be allowable should the claims of Group II be found to be allowable, without requiring a separate search. Applicants therefore respectfully request that all of the claims be examined together. Alternatively, Applicants respectfully request that the claims of Groups II, III, and IV be examined together.

CONCLUSION

If there are any issues outstanding after consideration of this election, the Examiner is invited to contact the undersigned to expedite prosecution of this case.

Respectfully submitted,
KENYON & KENYON

Date: 10/7/02

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